

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATEFebruary 19, 2003
TIME7:00 P.M.
PLACECounty Office Building
20 N. 3RD Street
Lafayette, IN 47901

MEMBERS PRESENT

Jack Rhoda
Jan Mills
KD Benson
Ashley Stevenson
Gary Schroeder
Steve Schreckengast
David Williams
Kathy Vernon
John Knochel
Jeff Kessler
Mark Hermodson
Stuart Boehning
Karl Rutherford
Laura Peterson
James Miller

MEMBERS ABSENT

STAFF PRESENT

James Hawley
Kathy Lind
Krista Trout
Joanna Grama, Atty
Michelle D'Andrea

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 19th day of February 2003, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

I. BRIEFING SESSION

James Hawley informed the Commission that he has hired Margy Deverall to replace Bernard Gulker as Assistant Director. She will be starting March 10, 2003.

James Hawley announced that at the end of this calendar year he would retire as Executive Director to the Area Plan Commission effective December 31, 2003. He presented and read a letter to the Commissioners explaining the reasons behind his decision and the timing of the announcement.

He informed the Commission that **UZO AMENDMENT #33**, would be withdrawn, by the City of Lafayette, at the time it is brought to the floor. He stated that **Z-2110—AREA IV DEVELOPMENT, INC. (I3 TO R1U)**, would need to be continued to the March 19, 2003 meeting, due to a faulty legal description. He said that the petitioner of **Z-2111—R. GREGG SUTTER (A TO RE) (Gray Mare South Subdivision)** has requested a continuance to the March 19, 2003 meeting. He mentioned that the petitioners for **Z-2112—GORDON C. & DELIAH R. BUCK (I3 TO GB)** were missing some paperwork, but may be able to obtain it before the end of the meeting. He explained that **S-3277—SWEETBRIAR SUBDIVISION, PT 3 (MINOR-SKETCH)** had been withdrawn because it was in a planned development and therefore could not be heard. He pointed out that there is an addendum to the **S-3270—WINDING CREEK SUBDIVISION, SECTION 2 (MAJOR-PRELIMINARY)** staff report, which contains an added condition.

James Hawley apologized for the lateness of some of the staff reports. He explained that due to missing two assistant directors, two senior planners (due to illness) and a three and a half day workweek, it was not possible to get the work out in time.

Jack Rhoda stated that they would have the rest of this year to let James Hawley know how much they will miss his services. He said that very few people in Tippecanoe County understand the responsibilities and activities that he is involved in which make this community a better place to live. He reiterated his services would be greatly missed.

Jack Rhoda mentioned that last month the Commission requested that suggestions on improving the efficiency of the Area Plan Office be submitted. He said that to date there are three written proposals. He stated that they would continue taking suggestions. He said that the proposals would be distributed to all the Commissioners before the March 13, 2003, 4:30 pm work session. He explained that the work session has been changed from March 12, because INDOT has reserved the room. He presented a letter to the Commissioners from Steve Viars of Faith Baptist addressed to KD Benson, which expressed Reverend Viar's appreciation to the Area Plan Staff. He mentioned that at the end of the meeting he would be setting a date for the next Budget and Personnel Committee meeting.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the January 15, 2003 public hearing. Jan Mills seconded and the motion carried by voice vote.

III. NEW BUSINESS

- A. ELECTION OF CITIZEN MEMBER:** To the Tippecanoe County Area Board of Zoning Appeals replacing Miriam Osborn.

Jeff Kessler moved to hear and vote on the election of Mr. Gary Schroeder to the Tippecanoe County Area Board of Zoning Appeals. Jan Mills seconded the motion.

Jeff Kessler moved that the nominations be closed. Jan Mills seconded and the motion carried by voice vote.

Jack Rhoda instructed the Secretary to cast a unanimous ballot for Gary Schroeder to represent the Area Plan Commission on the Area Board of Zoning Appeals.

B. REVISED CONTRACT FOR LEGAL SERVICES:

Jeff Kessler moved to vote and approve Revised Contract for Legal Services of Gambs, Mucker and Bauman. Jan Mills seconded the motion.

Mark Hermodson stated that the Budget and Personnel Committee had asked for proposals from legal firms, which had experience in land use planning. He said that several proposals were received, reviewed and discussed by the Committee. He mentioned that the main points of interest were the depths of experience, land use experience and the availability of lawyers. It was the majority opinion of the Budget and Personnel Committee that the proposal from Gambs, Mucker and Bauman was the outstanding proposal. He said that they expressed real interest, turned in the lowest bid and have served the County faithfully and responsibly for 30 years. He reiterated that it was the majority opinion of the Budget and Personnel Committee to retain Gambs, Mucker and Bauman.

Karl Rutherford stated that as a member of the Budget and Personnel Committee he was concerned that the whole Commission should have more than one option to vote on.

Karl Rutherford moved to add the second place Firm to the motion in order to allow the Commissioners a choice in voting. Steve Schreckengast seconded the motion.

Mark Hermodson stated that the whole Commission did not have the relevant documentation necessary to make an informed decision on one firm or another. He pointed out that the proposals only went to the Budget and Personal Committee. He said that it would not be appropriate for the Commissioners to make that kind of decision without all of the information. He stated that he opposed the motion.

Jan Mills agreed with Mark Hermodson. She reiterated that the Budget and Personnel Committee were the only ones to receive the applications from the other firms. She stated that it was her understanding that this decision was to be done privately, in an Executive Session of the Budget and Personnel Committee. She said that she did not see how anyone else could vote without the proper information.

Steve Schreckengast asked which firm came in second in the Budget and Personnel Committee's evaluation.

Jack Rhoda stated that they were not at liberty to state the runner up.

Steve Schreckengast stated that as a 15-member body it is appropriate that everyone have a vote that counts. He pointed out that when the Ordinance Committee sends a recommendation before the full Commission, it sometimes is changed. He stated that it is more appropriate that they have two choices.

Jack Rhoda stated that all of the evaluating was done in Executive Session. He pointed out that if the evaluation were done in front of the full Commission, it would not be fair, respectful or professional to the two firms. He explained that in that circumstance the pros and cons of each firm would have to be discussed in a public meeting. He stated that it was not good order to bring out the negatives of a particular firm in public. He explained that was why the Commission and the President of the Commission have appointed and approved a Budget and Personnel Committee.

Steve Schreckengast pointed out that later this year the same issue would come up during the search for a new Executive Director. He rhetorically asked if the Budget and Personnel Committee would be hand picking the new Director without the full Commission's input.

KD Benson agreed with Steve Schreckengast. She pointed out that the Budget and Personnel Committee was appointed by the President of the Commission and the Commissioners did not have a choice as to whether they could serve on that Committee or not. She stated that it was important that her vote was counted as well.

Kathy Vernon stated that she was a member of the Budget and Personnel Committee and part of the minority that voted for the second firm. She said that if it was the consensus of the Commission, then they should put out the applications of the top two firms and vote on this next month.

Karl Rutherford pointed out that the Budget and Personnel Committee voted 2 to 4 in favor of Gambs, Mucker and Bauman, when in actuality there were only 4 members present. He informed the Commission that two members voted by proxy, which may start an interesting precedent. He asked if a Commissioner could miss an Area Plan meeting and submit votes by proxy.

Jack Rhoda replied no.

Jan Mills stated that she was one of the members that missed the Budget and Personnel meeting, which was at a special time and which she had a conflict with. She informed the Commission that she took the time to write out her comments and addressed each of the four firms that submitted applications, including her opinions on the strengths and weakness of each, with her decision at the end. She stated that it was not fair to disregard her vote because she had a conflict when she took the time to analyze all the applications.

Jeff Kessler stated that he was the second member that missed the Budget and Personnel Committee because he also had a conflict with the specially scheduled time. He informed the Commission that he spoke on the phone to James Hawley, reviewed all the information that was presented to the Committee, analyzed all the firms, looked at the experience each of the firms had and as a County Council member looked at the \$125 per hour. He stated that all four firms that submitted applications were quality firms and the Commission was privileged to get the information that it did. He said that the Committee took its time and chose the best one.

The Commission voted by show of hands to approve the amendment to add a second firm to the voting options.

Mark Hermodson moved to table Revised Contract for Legal Services to the March 19, 2003 in order for the necessary information to be distributed to the Commissioners. Jan Mills seconded and the motion carried by voice vote.

Jack Rhoda suggested March 10, for the next Budget and Personnel Committee meeting.

Karl Rutherford stated that he had a conflict with that date.

Jack Rhoda stated that they would discuss other dates at the end of the meeting so that they could move into the public meeting.

Steve Schreckengast asked if the Budget and Personnel Committee meeting would be open to all Commission members.

James Hawley replied yes, but not as voting members. He pointed out that if eight or more Commissioners convene in the same room it is an illegal meeting.

Steve Schreckengast asked if they had to post a public notice if 8 or more were meeting.

James Hawley stated that they could not meet as a Budget and Personnel Committee with 8 members.

C. FINAL DETAILED PLANS

1. **RESOLUTION PD 03-1: BENJAMIN CROSSINGS, SECTION 1 PLANNED DEVELOPMENT (Z-2076):** Final Detailed Plans for the first section consisting of 206 single-family lots on 57.28 acres at the northeast corner of the CR 450 S and Concord Road, in Wea 15 (NE) 22-4.

Jeff Kessler moved to hear and vote on the above-described request. Jan Mills seconded the motion.

Kathy Lind read the staff report with recommendation of approval.

James Hawley presented slides of zoning map, aerial and site plan.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, representing the petitioner, stated that they have reviewed the staff report and resolution and concur with both. He asked for approval.

The Commission voted by ballot 15 yes – 0 no to approve **RESOLUTION PD 03-1: BENJAMIN CROSSINGS, SECTION 1 PLANNED DEVELOPMENT (Z-2076).**

2. **RESOLUTION PD 03-2: SALISBURY PLACE, PHASE 1 PLANNED DEVELOPMENT (Z-2105):** Final Detailed Plans for the first phase consisting of the 24-unit apartment building and associated parking, on 0.876 acres at the southeast corner of South Salisbury and State Streets, in West Lafayette, Wabash 20(SW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Kathy Lind read the staff report with recommendation of approval.

James Hawley presented slides of zoning map, aerial and site map.

Paul Coutts, C&S Engineering, 1719 Monon Ave, Lafayette, IN, representing the petitioner, stated that this was Phase I of the multi-family project. He informed the Commission that the public improvements were the widening of the alley on the southern side in order to enable two-way traffic and the landscaping for Phase I. He asked for approval.

KD Benson asked if they had to vote on the bonding issue.

James Hawley replied that a yes vote would include the bonding permission.

The Commission voted by ballot 15 yes – 0 no to approve **RESOLUTION PD 03-2: SALISBURY PLACE, PHASE 1 PLANNED DEVELOPMENT (Z-2105)**.

IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Jan Mills seconded and the motion carried by voice vote.

Jack Rhoda read the meeting procedures.

Jeff Kessler moved to continue **Z-2110—AREA IV DEVELOPMENT, INC. (I3 TO R1U)** and **Z-2111—R. GREGG SUTTER (A TO RE) (Gray Mare South Subdivision)** to March 19, 2003 meeting. Jan Mills seconded and the motion carried by voice vote.

A. ORDINANCE AMENDMENTS

1. UZO AMENDMENT #33:

Regarding residential uses on ground floors in part of Downtown Lafayette.
CONTINUED FROM THE JANUARY 21, 2003 MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Jan Mills seconded the motion.

Stuart Boehning moved to withdraw **UZO AMENDMENT #33**. Jan Mills seconded the motion.

Stuart Boehning explained that this was at the request of the City of Lafayette.

Jack Rhoda stated that the purpose is that there needs to be more discussion on the intent of the ordinance and it will go back to the Lafayette Redevelopment Office.

The motion carried by voice vote.

B. REZONING ACTIVITIES

James Hawley asked if the following two cases could be put on the floor at the same time but voted on separately, because there is a combined staff report. He asked the petitioner if there was any objection and the petitioner responded no.

1. **Z-2107—TIPPECANOE DEVELOPMENT (R1 TO NB):**

Petitioner is requesting rezoning of 8.78 acres located on the northwest corner of Kalberer Road and Soldiers Home Road, West Lafayette, Wabash 5 (NW) 23-4.
CONTINUED FROM THE JANUARY 21, 2003 PUBLIC HEARING.

2. **Z-2108—TIPPECANOE DEVELOPMENT (R1 TO R1B):**

Petitioner is requesting rezoning of 33.95 acres located on the north side of Kalberer Road just west of Soldiers Home Road, West Lafayette, Wabash 5 (NW) and 6 (NE) 23-4. CONTINUED FROM THE JANUARY 21, 2003 PUBLIC HEARING.

Jeff Kessler moved to hear and vote on the above-described requests. Jan Mills seconded the motion.

Kathy Lind read the staff report with recommendation of denial for **Z-2107** and approval for **Z-2108**.

Kathy Lind read into the record the following letters in opposition of **Z-2107** and **Z-2108**:

Jane and Francis Kovach, 3328 Hamilton Street, West Lafayette, IN.
Christopher and Anitra Potts, 3524 Hamilton Street, West Lafayette, IN.

Patrick and Cynthia Nycz, 3228 Elkhart Street, West Lafayette, IN.
Eleanor Grant, 106 Northwood Drive, West Lafayette, IN.
Cecilia Freeman, 436 LaGrange Street, West Lafayette, IN.
James and Faye Murray, 237 Wooddale Street, West Lafayette, IN.
Jan and Roy Applegate, 3445 Woodfield Street, West Lafayette, IN.
William and Marilyn Korn, 20 Whitley Court West Lafayette, IN.
Judith Buchman, 3448 Hamilton Street, West Lafayette, IN.
Andres Thomas 40 Steuben Court, West Lafayette, IN.

Kathy Lind read into the record the following letter in favor of **Z-2107 and Z-2108**:

Kenneth Burns, Executive Vice President and Treasure of Purdue University, Hovde Hall, Room 230, 610 Purdue Mall, West Lafayette, IN.

James Hawley explained that as per the By-Laws all letters are required to be read into record and cannot be withdrawn. He informed the Commission that the authors of the letters are not permitted to speak. He presented slides of the zoning map, site layout and aerial. He stated that the R1 district was applied to this piece of land in 1965, at the conception of Tippecanoe County's zoning. He said that it was done to lands surrounding the Cities, where there was no sewer and water, in order to protect it from more ambitious land uses. He explained that the R1 was a holding zone, until utilities and growth made the area available for the proper development.

John Knochel asked for an explanation between R1 and R1B.

James Hawley stated that the R1 zoning classification has a minimum lot size of 10,000 square feet by 75 feet of frontage. He said that the R1B zoning classification has a minimum lot size of 6,000 square feet by 60 feet of frontage. He explained that R1B is the smallest single-family lot permitted outside of the U districts. He said that houses might be smaller to accommodate the lot size, but can be 2 stories and have the same square footage.

Steve Schreckengast pointed out that in Planned Developments the lot size could be smaller than 60 foot also.

James Hawley stated that was correct for certain Planned Developments. He pointed out on the map where the R1B area would be.

KD Benson pointed out that one of the letters that was read into record mentioned apartments and R3 zoning. She asked James Hawley if there were any plans of that nature in this development.

James Hawley stated that there was no request at this time for multi-family housing. He pointed out that R1B does not permit duplexes or multi-family structures, only single-family structures.

KD Benson asked if the land across from the proposed NB was empty.

James Hawley stated yes it is empty at the moment, but is the planned site for a church.

Joseph T. Bumbleburg stated that Mike Wiley the engineer and Darren Sorenson, the developer were present. He presented a schematic of what the proposed use would look like. He asked James Hawley for confirmation that NB did not allow a filling station.

James Hawley responded that NB did allow a filling station.

Joseph T. Bumbleburg stated that many times complaints that are brought before the Commission are due to a lack of communication. He pointed out that after the NB and R1B there were still 122 acres of R1. He said that the developer has tried to do a good job to come up with a program that makes sense for everyone. He explained that the overall goal was to create a neighborhood environment by including a mixed use of units, density and quality. He said that checks and efforts have been performed to take care of the adjoining land, including the building fronts and street configurations. He pointed out that the

developer has been sensitive to the establishments nearby, including an assisted living center and a park with a trail. He said that the NB node would contain businesses that would be suitable for a neighborhood. He stated that water and sewer would be incorporated. He said that road planning and improvements are ongoing. He pointed out that the staff report indicated that the schools will not be negatively impacted and can absorb this development. He mentioned that there has been extensive discussion with the Area Plan Staff on this project, which has produced a good plan for this area. He said that area residents, who are opposed to a neighborhood business, within in walking distance, would rather drive a mile or two and then complain about the traffic. He mentioned that the staff report suggested the NB district would be better suited at the opposite corner but the letter from Kenneth Burns indicates this would never be an option. He stated that overall this project has organized planning, has created proper transitions between the uses in the area, is appropriate, has controlled density and the developer and engineer have done everything possible to make this a good development. He said that this will be a great benefit to West Lafayette and asked for approval of both requests.

Jim Buescher, 216 Sheffield Drive, West Lafayette, IN, President of Westport Homeowners Association, stated that the Association was in favor of both petitions. He said that the Association has been involved in the development of this proposal from the start. He pointed out that when the proposal was first drafted in summer of 2002, there were concerns on the high density projected. He stated that when Purdue first announced they would be selling this piece of property, the main interest of the Association was to influence the retention of maximizing the R1 portion. He said that the second interest was to provide an adequate landscaping interface between the two developments. He stated that all of these concerns and objectives have been reasonably satisfied, after discussing them with Darren Sorenson. He reiterated that they support this proposal.

Derrin Sorenson PO Box 6026, Lafayette, IN, presented posterboards of schematics of the proposed development. He stated that when the project first began, multi-family zones were included in order to return revenue on the high cost of the property. He informed the Commission that multi-family zoning was removed after considering the concerns voiced at many meetings with West Lafayette political leaders, University Farms, Westport homes and Area Plan Staff. He stated that after talking with affected neighbors, they started the plans from scratch, in order to comprise a more agreeable proposal. He said that he understood that zoning couldn't be conditioned, but wanted to assure everyone that there was no intention of building a gas station in the development. He explained that his concept of the NB district was commercial, but low impact. He gave the examples of doctor's offices, pizza place, ice cream parlor or a barbershop as possible businesses. He pointed out that they were trying to develop a community and not a subdivision. He mentioned that if residents were in walking distance of some of their errands, traffic would not increase. He stated that this would be beneficial to the area. He said that there would not be an opportunity for this type of community at the corner of Salisbury and Kalberer. He pointed out other properties that are currently under development and mentioned that they would only increase the need for this NB zone. He mentioned the adjacent churches and healthcare centers and how they buffer their subdivisions.

James Toth, 3481 Soldiers Home Road, West Lafayette, IN, stated that he lives directly across from the proposed NB zone. He said that his family's greatest concern is safety. He stated that new business at this site would draw increased traffic to an already troublesome site. He recapped some of the potential hazards and violations that have and will occur. He mentioned that the West Lafayette Police Department frequently monitors speeding in this area. He stated that new business would also lure children to cross two very busy roads. He pointed out that on Purdue football days, additional traffic is purposefully routed onto Soldiers Home Road and Kalberer Road. He said that the increased traffic would cause difficulty for the frequent pedestrians that use Kalberer Road and its bike trail. He suggested using already vacant commercial buildings along the State Road 52 bypass for any new business. He asked that the Commission consider these safety issues when voting.

Kathy Waters 3518 Woodfield Street, West Lafayette, IN, stated that her main concern was that the increased noise from new business would adversely affect the quality of life in the area. She included such noise factors as honking horns, shouting voices and squealing tires as potential problems. She stated that she has experience living across the street from a 24-hour gas station, and can testify that the noise is extremely disturbing especially during the night while children are trying to sleep. She mentioned the increased traffic and potential safety hazards. She pointed out that this portion of the County is nature

orientated and lights and signage would also be a concern. She stated that the residents enjoyment of the natural environment would be diminished with the addition of unnatural light and tall signage, 24 hours a day. She mentioned that the frequent pedestrians on Kalberer Road would no longer have a safe and beautiful place to walk. She said that if the farmland were destined to be lost, it would be better to lose it to private residences. She reiterated that for these reasons, new business at this location would adversely affect the quality of life for the residents.

Donna Majewski, 3500 Hamilton Street, West Lafayette, IN, stated that in the 15 years she has been a home owner in West Lafayette, there has never been a time when all available office, retail and business space has been utilized. She asked the Commission to consider these unoccupied spaces when making their decisions. She mentioned that these vacancies are of various ages and sizes. She presented a poster board, which highlighted all of the empty commercial buildings. She pointed out some of these locations and mentioned that this map consisted of only those locations she is aware of by driving by every day. She stated that overall there is over ¼ of a million square feet of empty office, retail and business space available. She presented a petition with over 40 signatures of University Farms residents who are in opposition of these two rezoning requests. She stated that Tippecanoe County would be losing a great resource with the announcement of James Hawley's pending retirement.

Jan Mills asked if the petition was in opposition both rezones, or just the NB district.

Donna Majewski replied that they were in opposition to both of the rezone requests.

Mark Miller, 3502 Woodfield Street, West Lafayette, IN, representing Woodfield Estates and Indian Rock Drive, presented a petition opposing both of the rezoning requests. He stated that the reasons for the residents opposition were: existing abundance of retail space nearby; additional traffic noise and lights would adversely affect the quality of life; public safety issues including the dangerous curves of the road; the close proximity between the proposed NB and Pleasantview Elementary School. He asked everyone in the audience who was in favor of keeping this area zoned R1 to stand.

Many audience members stood.

He stated that a sense of community is what makes Tippecanoe County a desirable place to live. He said that it is understandable that a property owner would seek a rezoning change in order to increase the market value of his property. He stated that in this case, such a change would alter the complexion of the community. He reiterated that the area residents opposed these rezoning requests. He asked for denial and to keep the area R1.

Joseph T. Bumbleburg stated that a developer, who does a good job and has an impeccable reputation, deserves some latitude. He pointed out that this piece of land was made R1 in order to freeze it in place until such a time that a good planning idea came along. He stated that this project was such a time. He said that this R1B development is designed for empty nesters that do not want a large yard. He pointed out that the staff's report indicates that this development will alleviate the high-density concerns. He stated that Darren Sorenson has taken a piece of ground that was in a holding pattern and given it meaning. He asked for approval. He mentioned that one of the audience members referred to Darren Sorenson as slimy and he does not deserve that.

Jack Rhoda stated that he did hear that comment from anyone.

Jeff Kessler stated that as a Commission they have a responsibility to balance between a land use map and listening to the public. He said that the NB fails on both counts. He stated that he believes the R1B has a lot of merit, but because of the overwhelming public response, he plans on voting against both of them.

Kathy Vernon asked what the difference in the number of lots would be if the land stayed R1 and not R1B.

Derrin Sorenson stated that they would lose 30 lots.

Steve Schreckengast stated that earlier they had voted on the Benjamin Crossings Planned Development, which was double the size of this proposal, but the same acreage. He mentioned that several members of the Commission were in favor of Benjamin Crossings and had voiced their opinions that it would be a good idea for West Lafayette. He stated that the R1B was low impact and the same size lots as Westport. He compared this to the development on the south side at 18th and 350. He said that most of the business that would be in these types of developments need 1000-2000 square feet of space. He pointed out that all the vacant commercial spaces that Donna Majewski identified were much larger, not appropriate for small neighborhood business and not within walking distances.

Several audience members voiced disagreement.

Jack Rhoda stated that they should not be engaging in direct conversations.

Steve Schreckengast pointed out these types of neighborhood business have worked really well on the south side of town. He stated that there were going to be more and more proposal for residential development in this area due to the high demand the Purdue Research Park will generate. He said that if growth were not welcome in this area the only way to stop it would be to stop the Purdue Research Park.

Mark Hermodson stated that he supported residential development in this area but is struggling with the R1B. He said that he proposal looked reasonable, but is not set in stone until there is a subdivision proposal. He stated that he has no sympathy for neighborhood business in this area especially since there is so much space only one mile away.

Jan Mills stated that this was a tough decision for her. She said that she would vote against the NB request because the majority of residents are in opposition of that. She stated that she would vote in favor of the R1B because small patio homes with small yards are greatly needed due to the aging population. She mentioned that she has seen the plans on the City level. She confirmed that Derrin Sorenson has met with West Lafayette City officials on may occasions in order to comply with their wishes on this project. She commended Derrin Sorenson for all the effort and compromises he has put into changing these plans. She mentioned that even young professionals might be interested in patio home that do not have large yards. She said that from what she has seen these will be high end patio homes in a nice development.

The Commission voted by ballot 2 yes – 13 no to recommend denial of **Z-2107—TIPPECANOE DEVELOPMENT (R1 TO NB)** to the West Lafayette City Council.

Yes votes

Steve Schreckengast
Gary Schroeder

No votes

Jack Rhoda
Karl Rutherford
Jeff Kessler
David Williams
Mark Hermodson
Jan Mills
James Miller
John Knochel
KD Benson
Kathy Vernon
Stuart Boehning
Ashley Stevenson
Laura Peterson

The Commission voted by ballot 12 yes – 3 no to recommend approval of **Z-2108—TIPPECANOE DEVELOPMENT (R1 TO R1B)** to the West Lafayette City Council.

Yes votes

Jack Rhoda
Karl Rutherford

No Votes

Kathy Vernon
Jeff Kessler

David Williams
 Mark Hermodson
 Jan Mills
 James Miller
 John Knochel
 KD Benson
 Laura Peterson
 Ashley Stevenson
 Steve Schreckengast
 Gary Schroeder

Stuart Boehning

Dave Williams left the meeting; 8:45 p.m.

3. **Z-2109—WEST LAFAYETTE PUBLIC LIBRARY c/o THOMAS GALL (CBW TO PDNR):** Petitioner is requesting rezoning of several lots for the new West Lafayette Public Library building and parking garage, located along the north and south sides of Columbia Street, between Northwestern and Chauncey Avenues, in West Lafayette, Wabash 19 (NE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

James Hawley gave the history of this petition, including issues of traffic and transportation and landscaping. He read the staff report with recommendation of conditional approval based on the following conditions:

Meeting all requirements of *UZO 2-27-10* for submission of Final Detailed Plans, signed off by those noted in that section, to include:

1. all sheets (other than the preliminary plat) that make up the approved Preliminary Plan;
2. a final plat, per *UZO Appendix B-3-2* as applicable; and
3. the completed reciprocal parking agreement between the West Lafayette Library Board and the City of West Lafayette, providing at least 16 spaces for the library.

James Hawley read into record a letter from Sonya Margerum, City of West Lafayette Mayor, 609 West Navajo Street, West Lafayette, IN, in favor of **Z-2109**.

James Hawley presented slides of the zoning map, aerial, exterior diagram and sketch plan.

Joseph T. Bumbleburg, representing the petitioner, stated that there were many engineers, surveyors, architects and members of the library board present. He presented a scaled down version of the planned development. He pointed out features and explanations of pages 101; A1; P1; P2; P3: P107 and P109. He mentioned that the Deputy Police Chief consulted on parking and traffic issues of this development. He stated that this would give substance to the area. He said it is not feasible to move the library and this location is great for walk in traffic. He informed the Commission that the Morton Community Center has 81 parking spaces. He pointed out that this planned development is creating a great working relationship between two public bodies. He stated that the staff report is accurate and there are no problems with any of the conditions. He asked for approval.

Brenda Lorenz, Director of Morton Community Center, 222 North Chauncey Ave. West Lafayette, IN, stated that she was in favor of this rezoning request. She gave her support of the of the parking partnership agreement. She informed the Commission that the Library and Community Center have been cooperating and supporting each other's programs for many years. She pointed out that they are both public agencies with the same goal of enhancing the lives of West Lafayette citizens. She reiterated her support of this project.

Bill Le Furgy, 607 Eden Street West Lafayette, IN, stated that he was a former president of the Wabash Area Lifetime Learning Association, whose offices are in the Morton Center. He said that this agreement would work in everyone's favor. He stated that in general he approved of the proposal.

Betty Bowen, 1830 Sheridan Street, West Lafayette, IN, stated that as a graduate student the public library was a lifesaver. She informed the Commission that she was a professional Librarian, the plans looked good to her and she looked forward to seeing the new facility.

Andrew Samad, 501 Meridan Street, West Lafayette, IN, stated that he was a frequent patron of the library. He said that they could not have picked a better location and he often walks to it. He informed the Commission that he volunteers for the International Center and a lot of their students use the library as their first introduction to the community. He stated that it is the best location; the best development and he saw no reason they should say no.

Nick Shenkel, 218 Columbia Street, West Lafayette, IN, Director of the West Lafayette Library, stated that this project has been in the works for a number of years and they have held many public meetings on it. He said that they have listened to the community and considered all concerns. He stated that this was a great opportunity for the two organizations to work together. He thanked all the supporters that were in audience for coming to the meeting. He asked for approval

Jack Rhoda stated that Betty Bowen could not speak a second time.

Betty Bowen asked if it was possible for a show of hands of all the audience members that are in favor of this project.

Jack Rhoda stated that the last speaker could make that request.

Nick Shenkel replied affirmatively.

Several members of the audience raised their hands.

Chris Watson, 802 North 9th Street, Lafayette, IN, stated that he was the owner and operator of the Boiler Room in West Lafayette. He said that his first concern was one of a hypocritical nature. He informed the Commission that the City has held up remodeling and expansion requests from businesses in the village area, citing parking as an issue. He mentioned that when a remodeling project for his business, was within the ordinance regulations, the City amended the ordinance to prevent his project from being done. He stated that his project has since been held up due to the lack of one parking space. He pointed out that the Library is counting on street parking, in order to reach its requirements, and yet other businesses in the area are not allowed to count on-street parking. He said that the reciprocal agreement between the Morton Center and the Library is also being taken into consideration, which only gives the illusion of more space. He said that other business in the village, especially bars and restaurants, have argued that after 5 pm the parking garages are free, but officials have ruled that those cannot be counted either and yet they are allowing the Library to distinguish between peak and off times. He stated that the parking was not his main concern. He said that he disagreed that the area needed an anchor. He said that the plans were beautiful, but the location was bad. He mentioned that the Library was originally constructed in 1961, and while the location was considered great then, demographics and City layout have significantly altered that site. He said that the location is closest to Purdue students who utilize the Universities facilities, not the Public Library. He pointed out that the West Lafayette Library is 1 ¼ miles and 2 minutes from the main branch of the downtown Tippecanoe County Library and 2 blocks from the main campus and its specialized libraries. He stated that the current community growth is north of town. He mentioned the earlier conversation regarding the high number of new residential developments in the Kalberer Road area and suggested this as a more ideal location. He pointed out that the north side would be central to most of the West Lafayette residential communities and close to areas of future growth. He said that in addition the Library would have more flexibility in design and layout. He stated that the alternative is to try and fit an adequate design into the current location by cutting corners on parking, in an area that has huge parking problems. He pointed out that most of the community that this Library is intended to serve would have to drive to this location. He voiced his concern that the Library board of Trustees authorized a bond of 10.7 million dollars to fund this project, which the citizens of this community would ultimately have to pay. He asked the Library Board and City officials to reconsider the location and the Area Plan Commission to deny the request.

Joseph T. Bumbleburg stated that the desire to read books does not know geographic bounds. He said that northern area that Chris Watson referred to, was outside the library district boundaries. He stated that the way Tippecanoe County is organized there are constraints on where it can be built. He pointed out that when buildings of this nature are built, people use them regardless of geography. He stated that this is providing a great service to the community.

Jeff Kessler stated this was a winning project. He said that he was in favor of different entities working together for the betterment of the community.

Mark Hermodson agreed with Jeff Kessler and mentioned that it reduces the costs. He pointed out that students do use the West Lafayette Library for its intended purpose, despite the specialized facilities at their disposal. He said that he is a patron of the library himself and has seen the students first hand.

Steve Schreckengast asked if the petitioners had looked at the empty Jewel-Osco building as a potential site. He said that he was sensitive to Chris Watson's statements, but thought the project looked good and would support it.

John Knochel stated that he was sympathetic to Chris Watson's statements and had supported his rezone requests in the past. He agreed that it looks like the City of West Lafayette has played a double standard, but the he will still support the Library.

The Commission voted by ballot 14 yes – 0 no to recommend conditional approval of **Z-2109—WEST LAFAYETTE PUBLIC LIBRARY c/o THOMAS GALL (CBW TO PDNR)** to the West Lafayette City Council.

4. **Z-2112—GORDON C. & DELIAH R. BUCK (I3 TO GB):**

Petitioner is requesting rezoning of a 1.43 acre tract located on the south side of McCarty Lane approximately ¼ mile east of US 52, Lafayette, Fairfield 34 (NE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Kathy Lind read the staff report with recommendation of approval. She presented slides of the zoning map and aerial.

Gordon Buck 3463 McCarty Lane, Lafayette, IN, stated that he was the petitioner and has lived at this site for over 30 years. He said that when he first moved there the area was all residential and over the years industrial uses have overgrown the land. He said that it has been a good growth, but it is very noisy. He recapped all the adjacent properties and pointed out that they are all GB or industrial. He mentioned that other neighbors have one by one sold their land, and gradually they are turned into GB. He stated that he has not been able to sell his home, because the only interested potential buyers, want GB.

Tom Thomas, 516 South 7th Street, Lafayette, IN, stated that he is familiar with this area and GB would fit very well. He asked for approval

Jeff Kessler commented that this was a perfect GB site.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2112—GORDON C. & DELIAH R. BUCK (I3 TO GB)** to the Lafayette City Council.

Stuart Boehning excused himself from hearing and voting on the following case. He left the room.

C. SUBDIVISIONS

1. **S-3269—RAINEYBROOK SUBDIVISION, PART 2, SECTION 2 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for 67-single-family lots (plus 2 outlots) on 34.461 acres, located on the north side of CR 500 S, 3/4 mile

west of New US 231, in Wea 18 (SW) 22-4. CONTINUED FROM THE JANUARY 21, 2003 PUBLIC HEARING.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

James Hawley stated that the petitioner has requested permission to bond. He read the staff report with recommendation of conditional primary approval contingent on the following conditions:

1. The off-site causeway entrance road shall be constructed and accepted for maintenance into the County road system prior to acceptance of any Part 2, Section 2 streets.
2. In the construction plans and on the final plat, a horizontal curve shall be added to Topsail Trace at Lots 201, 208, 275 and 276.
3. In the construction plans and on the final plat, the Wharfside Parkway right-of-way at Lot 232 shall be reduced to the standard 50-ft. width and the balance of the land on the western side of the roadway shall be platted as an outlot and labeled "Outlot C".

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

4. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
5. The fire hydrants shall be approved by the Wea Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the City in cooperation with the Fire Department.
6. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
7. The County Drainage Board shall approve the drainage plans.
8. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
9. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

10. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
11. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
12. All required building setbacks shall be platted.
13. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the (waterway name) Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 226-17.
14. The Town of Shadeland corporation line must be shown on the final plat.
15. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

16. The purpose, ownership and maintenance of Outlot A shall be specified.

James Hawley presented slides of the zoning map, aerial and sketch plan. He reiterated conditional primary approval and the petitioner's request to bond.

Andrew Gutwein, 415 Columbia Street, Lafayette, IN, representing the petitioner, stated that the petitioner was present and available to answer any questions. He said that this was an extension of the ongoing

Rainybrook subdivision. He informed the Commission that the technical issues that were raised in the staff report have been addressed and all conditions are acceptable. He requested permission to bond and for approval.

The Commission voted by ballot 13 yes – 0 no to recommend conditional approval of **S-3269—RAINEYBROOK SUBDIVISION, PART 2, SECTION 2 (MAJOR-PRELIMINARY)**.

The commission voted by ballot 13 yes to 0 no to permit bonding.

Stuart Boehning returned to the room.

2. **S-3270—WINDING CREEK SUBDIVISION, SECTION 2 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for 55-single-family lots on 35.99 acres bordering the Coyote Crossing golf course. The site is located on the north side of CR 500 N, between CR 50 W and CR 75 E, in Tippecanoe 29 (SW) 24-4. CONTINUED FROM THE JANUARY 21, 2003 PUBLIC HEARING.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Kathy Lind stated the petitioner has requested permission to bond. She read the staff report and addendum with recommendation of conditional primary approval contingent on the following conditions:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. A temporary turnaround shall be shown at the stub end of Gardenia Street.
2. American Suburban Utilities, Inc shall approve the sanitary sewer plans.
3. Indiana-American Water Company, Inc shall approve the water plans.
4. The Tippecanoe Township Fire Department shall approve the fire hydrants. The Indiana-American Water Company, in cooperation with the Fire Department, shall approve plans for the actual placement of the hydrants.
5. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
6. The County Drainage Board shall approve the drainage plans.
7. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
8. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

9. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 500 N right-of-way line.
10. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
11. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
12. If necessary, off-site drainage easements shall be platted to cover the off-site drainage structures.
13. All building setbacks shall be platted. The front setbacks that exceed the standard shall be clearly dimensioned on each affected lot.
14. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the (waterway name) Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
15. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

16. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
17. The purpose, ownership and maintenance of Outlots E & F shall be specified.
18. One new street name shall be approved by 911 and the Post Office for inclusion to the construction plans and final plat.

James Hawley presented slides of the zoning map, aerial and sketch plan. He reiterated recommendation of conditional primary approval and the petitioner's request for bonding.

Joseph T. Bumbleburg, representing the petitioner, stated that the petitioners were present. He said that this is a complying subdivision that did not require any variances. He informed the Commission that the conditions were reviewed by himself and the engineer and were all acceptable. He asked for approval.

Jack Rhoda asked if they had received and understood the addendum.

Joseph T. Bumbleburg replied affirmatively.

James Hawley gave further explanation the addendum.

Joseph T. Bumbleburg stated that he understood and it would not be a problem to comply with that condition.

James Hawley stated that if the majority of the most common conditions were included in the Unified Subdivision Ordinance, it would be much more efficient.

Karl Rutherford suggested that the conditions remain as is, but not read at the public meeting.

James Hawley stated that might be possible, if not for petitioners forgetting that they have to be followed. He said that history has proven plats will be turned in without meeting any or all of the conditions. He stated that it is important that the conditions be read into record because the approval of a plat can be challenged in a court of law.

Karl Rutherford suggested that they stipulate that the staff report be entered into record.

James Hawley stated that hopefully a judge would recognize that, but there are no guarantees.

Jan Mills mentioned that the Ordinance Committee has talked about revising the subdivision ordinance.

James Hawley reiterated that the Ordinance Committee has talked about reworking the Subdivision Ordinance, in order to include some of these conditions.

Karl Rutherford pointed out that subdivisions have different quantities of conditions.

James Hawley stated that it depends on the complexity.

The Commission voted by ballot 14 yes – 0 no to recommend conditional approval of **S-3270—WINDING CREEK SUBDIVISION, SECTION 2 (MAJOR-PRELIMINARY).**

The Commission voted by ballot 14 yes – 0 no to permit bonding.

3. **S-3273—ROBERTSON SUBDIVISION (MINOR-SKETCH):**

Petitioner is seeking primary approval for a 4-lot subdivision on 8.296 acres, located on the west side of CR 400 W, ½ mile north of CR 600 N, Wabash 21 (NE) 24-5. CONTINUED FROM THE FEBRUARY EXECUTIVE COMMITTEE MEETING.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

James Hawley read the staff report with recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the CR 400 West right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way. If there is no mortgage, a mortgage affidavit must be signed and notarized.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. A County Health Department approved off-site perimeter drainage easement must be recorded prior to or with the final plat.
6. The street addresses and County Auditor's Key Number shall be shown.
7. A 15' utility/drainage easement shall be shown along the CR 400 West right-of-way line.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

8. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial and sketch plan.

Mary Russell, 2308 Bennett Road, Lafayette, IN, representing the petitioner, recommended that the Commission approve this subdivision. She stated that they were prepared to meet all conditions, and some have already been met.

Jeff Kessler stated that David Beyers, an adjacent property owner, was concerned about some dumping on the site. He asked for confirmation that this had been passed through the Health Department and that the issue was resolved.

James Hawley stated that they would only have approved the land as developable sites for septic systems with the off site drainage requirement.

The Commission voted by ballot 14 yes – 0 no to recommend conditional approval of **S-3273—ROBERTSON SUBDIVISION (MINOR-SKETCH).**

4. **S-3274—SWEETBRIAR 5TH SUBDIVISION (MAJOR-PRELIMINARY):**
Petitioner is seeking re-approval for a 9-lot mixed single-family and multi-family residential subdivision on 4.63 acres (8 single-family lots & 48-unit apartment complex). The site is located on the south side of Gregory Avenue, between 22nd and 26th Streets, in the City of Lafayette, Fairfield 33 (NE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Kathy Lind stated that the petitioner has not requested permission to bond. She read the staff report with recommendation of conditional primary approval contingent on the following conditions:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

- 1 The Lafayette City Engineer shall **re-approve** the sanitary sewer, water and

- drainage plans.
2. An on-site utility coordinating sheet shall be **re-approved** and signed-off by the non-government utility companies.
 3. The required bufferyard shall be shown with the standard plant unit details. The bufferyard shall be installed as part of required public improvements.
- FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:
4. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
 5. All required building setbacks shall be platted.
 6. The street addresses and County Auditor's Key Number shall be shown.

James Hawley informed the Commission that there has been a number of inquiries about this site due to concern of what might be put there. He said that it is clear from this subdivision that it is the intent of the developer to stick to the original plan of single-family homes in front with multi-family in the back. He presented slides of the zoning map, aerial and sketch plan.

James Hawley asked the petitioner if he wanted to request permission to bond.

Gary Fisher, 2331, North 23rd Street, Lafayette, IN, stated no.

James Hawley asked if everything was in.

Gary Fisher stated that all public utilities and improvements have already been installed.

James Hawley asked if they have been accepted for maintenance.

Gary Fisher stated that they have been inspected, but not accepted for maintenance.

James Hawley said that he was asking because the final plat cannot be recorded if it is not accepted for maintenance. He stated that if they wanted to record the plat before it is accepted for maintenance, then bond would be required.

Gary Fisher stated that they were requesting re-approval of nine lots, under the original conditions. He asked for approval.

Bill Richley, 1809 South 22nd Street, Lafayette, IN, stated that he was not really against this petition, but had some concerns as to when it will be completed. He informed the Commission that the view from his patio is of equipment that has been there for years. He mentioned that there was a foundation there and then two years ago it was removed and a new one put in. He stressed that this foundation has been there for two years with no progress on it. He asked that once the project is started, it be finished. He mentioned that when Jefferson High School is out that road becomes a speedway. He asked that the Commission consider his comments.

Bud Kortus, 2022 Sweetbriar Drive 1, Lafayette, IN, stated that he was against this petition because there will be a traffic problem. He informed the Commission that he has spoken to members of the Area Plan Staff and it is apparent that this will be approved because it was approved 5 years ago. He stated that he has spoken to the developer and they do have plans to install a fence, six feet high, along the west side. He said that if the fence were included all of the residents in the existing development would be happy. He mentioned that he has seen the plans and they do not include a fence. He asked that the Commission include the fence as a condition.

Jack Rhoda stated that the Commission does not have the latitude to make that decision.

James Hawley stated that is not in the Subdivision Ordinance. He said that when the PD is reconsidered on the West Side, they could ask that the fence be included in the Planned Development.

Gary Fisher stated that the fence was included in the 1997 agreement and they have every intention of meeting every stipulation of that agreement.

Steve Schreckengast stated that this land is already zoned properly and so long as they meet the requirements of the Unified Subdivision Ordinance they cannot deny the request. He asked James Hawley if not having permission to bond would affect the Maintenance Bond.

James Hawley replied he did not think so. He said that there would be a performance bond that would be required. He said that public improvements would have to be accepted for maintenance before the final plat can be recorded.

Steve Schreckengast reminded the petitioner that it does not cost anything to request permission to bond. He mentioned that everyone usually requests permission even if it is not needed.

Gary Fisher requested permission to bond.

The Commission voted by ballot 14 yes – 0 no to grant conditional primary approval of **S-3274—SWEETBRIAR 5TH SUBDIVISION (MAJOR-PRELIMINARY)**.

The Commission voted by ballot 14 yes to 0 no to permit bonding.

5. **S-3275—KORTY KORNER SUBDIVISION, REPLAT OF LOT 7 (MINOR-SKETCH):**
Petitioner is seeking primary approval of a two-lot replat of existing lot 7, Korty Korner Subdivision (15.061 acres), located at the southeast corner of SR 26 E and Creasy Lane, Lafayette, Fairfield 26 (NE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

James Hawley read the staff report with recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the SR 26 E right-of-way line.
4. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial and sketch plan.

Jim Butcher, Ticen Surveying, North 3rd Street, Lafayette, IN, stated that he represented the petitioner and they agree with all conditions. He asked for approval.

Danielle Davidson, representing C & D Properties, 1922 North 90 East, Lafayette, IN 47905, asked for clarification that this was just a subdivision of an existing lot. She asked if there would be another meeting where discussion on building ramifications would occur.

Jack Rhoda stated that this would be the final vote.

Danielle Davidson asked for clarification that any limitations that were put on the building would be decided on this evening. She stated that for the matter of record, per request of C & D Properties, they are requesting the building not be a block building and frontage available on all sides.

Several members replied that the Commission did not have the authority to affect that.

Jack Rhoda suggested that she talk with the petitioner to work out a compromise.

Danielle Davidson asked for clarification that would have to be done independent of the Commission.

Jack Rhoda replied affirmatively.

The Commission voted by ballot 14 yes – 0 no to grant conditional approval of **S-3275—KORTY KORNER SUBDIVISION, REPLAT OF LOT 7 (MINOR-SKETCH).**

6. **S-3280—BIEN SUBDIVISION, REPLAT OF LOTS 543 & 544, UNIVERSITY FARM SUBDIVISION, PH. VI, PT. 2 (MINOR-SKETCH):** Petitioner is seeking primary approval of a one-lot replat of two existing lots (543 and 544 University Farm Subdivision) located at 763 and 755 Noble Court, West Lafayette, Wabash 6 (SE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

Kathy Lind read the staff report with recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. The street address and County Auditor's Key Number shall be shown.

James Hawley presented slides of the zoning map, aerial and sketch plan.

Paul Coutts, C & S Engineering, 1719 Monon Ave., Lafayette, IN, representing the petitioner, asked for approval.

The Commission voted by ballot 14 yes – 0 no to grant conditional approval of **S-3280—BIEN SUBDIVISION, REPLAT OF LOTS 543 & 544, UNIVERSITY FARM SUBDIVISION, PH. VI, PT. 2 (MINOR-SKETCH).**

V. ADMINISTRATIVE MATTERS

Discussion on date for the next Budget and Personal Committee meeting. Meeting set for 4 p.m. on Friday February 28, 2003.

James Hawley mentioned that specific topics for this meeting would include issues that Karl Rutherford had voiced to Jack Rhoda and Jan Mills, as well as discussing the future and teaching the Committee about the Executive Director position. He recapped his reasons for retiring at the end of the year. He stressed that the Commission is not aware of all of responsibilities that are related to the Executive Director position. He reiterated the reasons for the timing of this announcement in relationship to Budget deadlines.

A. TECHNICAL TRANSPORTATION COMMITTEE MEMBERSHIP

James Hawley reviewed the Technical Transportation Committee and its history. He recapped the suggested replacements and the reasons behind these individuals.

Mark Hermodson moved to accept the replacements as suggested in the staff report. Steve Schreckengast seconded and the motion carried by voice vote.

James Hawley informed the Commission that in the Technical Transportation Committee meeting they discussed the possibility of creating a web site, funded by a federal grant, which would allow citizens to log on and communicate hazardous or potential accident locations. He suggested that the Commissioners read the minutes from the Technical Transportation Committee meeting and use them as a learning tool. He explained the chain of responsibility from the Technical Committee to the Administrative Committee to the Plan Commission.

VI. APPROVAL OF THE MARCH EXECUTIVE COMMITTEE AGENDA

Jeff Kessler moved that the March 5, 2003 Executive Committee Agenda be approved as submitted. Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that the following subdivision petitions be placed on the March 5, 2003 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

RE-0007—HAGGERTY HOLLOW SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)
RE-0008-MEADOWGATE ESTATES SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)
S-3288—COOK/HALLAR MINOR SUBDIVISION (MINOR-SKETCH)

Jan Mills seconded and the motion carried by voice vote.

VII. DETERMINATION OF VARIANCES – Area Board of Zoning Appeals

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute.

BZA 1631 – JANE ANN WILSON

Jan Mills seconded and the motion carried by voice vote.

VIII. DIRECTOR'S REPORT

James Hawley informed the Commission that Sallie Fahey returned to work for half a day after being off on medical leave for the past few days. He apologized for the lateness of some of the staff reports. He explained that with the holes, there were not enough bodies to cover. There have been between 6-8 RE rezone/subdivisions filed recently. He recapped the primary responsibilities of the current and senior planners.

KD Benson asked when Margy Deverall would be starting.

James Hawley replied March 10, 2003.

Jan Mills stated that she has done an excellent job with the City of West Lafayette.

IX. CITIZENS' COMMENTS AND GRIEVANCES

Dave Ayala, Tbird Designs, 4720 South 100 West, Lafayette, IN, stated he wanted to enter into record a response to Jack Rhoda's request for efficiency improvements. He informed the Commission that he drafted a memorandum, copied all Commissioners and delivered it to the Area Plan office earlier today. He said that this memo represents seven individuals.

James Hawley stated that they have received two written responses. He said that the plan was for Jack Rhoda, Sallie Fahey and himself to go over them and then distribute copies to all Commissioners.

Karl Rutherford asked what groups' submitted letters.

Dave Aiella stated that the group that he represents is comprised of engineers, surveyors and developers.

Steve Schreckengast officially welcomed Gary Schroeder as the newest member.

X. ADJOURNMENT

Jeff Kessler moved for adjournment. Jan Mills seconded and the motion carried by voice vote.

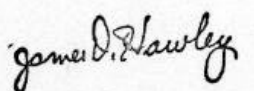
The meeting was adjourned at 10:35 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley, AICP
Executive Director